

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

VEDANTA LIMITED,

Plaintiff,

v.

NOBLE RESOURCES INTERNATIONAL
PTE. LTD.,

Defendant.

Civil Action No. 2:17-cv-00430-CCC-SCM

**ORDER DIRECTING CLERK TO ISSUE
PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT AND
APPOINTING PERSON TO SERVE PROCESS PURSUANT TO RULE 4(c)
AND CONCERNING SCOPE OF SERVICE**

WHEREAS, upon reading the Verified Complaint of the Plaintiff herein, and the accompanying Declaration and Memorandum of Law, seeking damages of US\$780,273 inclusive of interest, costs and reasonable attorneys' fees, and praying for issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command the United States Marshal or other designated process server attach any and all of the Defendant's property within the District of this Court; and

WHEREAS, the Court has reviewed the Verified Complaint and the Supporting Declaration of Brett Van Benthysen, and finds that the conditions of Supplemental Admiralty Rule B appear to exist; and

WHEREAS, Plaintiff has moved for an Order pursuant to Fed. R. Civ. P. 4(c) appointing Brett Van Benthysen or any other partner, associate, paralegal or agent of Reitler Kailas &

Rosenblatt LLC, or any process server employed by We Serve NJ, to serve Process of Maritime Attachment and Garnishment in this matter, and it appearing that such appointment will result in substantial economies in time and expense; it is hereby

ORDERED that pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, that the Clerk of the Court is directed forthwith to issue Process of Maritime Attachment and Garnishment against all tangible or intangible property of Defendant in whatever form up to, and including, the amount of \$780,273, including but not limited to any assets within this District, comprising *inter alia*, cash, funds, credits, debts, bank accounts, correspondent accounts, payments owed, and/or letters of credit, of, belonging to, due or being transferred to, from or for the benefit of Defendant Noble Resources International Pte. Ltd. (“Noble”) (collectively hereinafter, “Assets”), including but not limited to Assets as may be held, received or transferred for its benefit, at Cargill, Inc., or at any such other garnishees who may be served with a copy of the Process of Maritime Attachment and Garnishment issued herein.

ORDERED that following initial service by the U.S. Marshal, or other designated process server, upon each garnishee, subsequent service of the Process of Maritime Attachment and Garnishment, as well as this order, may be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee; and it is further

ORDERED that any person claiming an interest in the property attached, garnished and arrested pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED that Brett Van Benthysen or any other partner, associate, paralegal or agent of Reitler Kailas & Rosenblatt LLC, or any process server employed by We Serve NJ, be and hereby is appointed, in addition to the United States Marshal, to serve the Process of Maritime Attachment and Garnishment and the Verified Complaint, together with a copy of this Order and any interrogatories, on any garnishee identified in Schedule A to this Order and on such additional garnishees as so permitted herein; and it is further

ORDERED that supplemental process specifying other or additional garnishees and enforcing the Court's Order may be issued by the Clerk without further Order of the Court; and it is further

ORDERED that service on any garnishee as described above is deemed to be effective and continuous service throughout the day on the date of such service from the time of such service; and such service is further deemed to be effective through the end of the next business day provided that another service is made on that day; and it is further

ORDERED that any garnishee served with this Order, upon determining that it is in possession of any funds which may be subject to attachment pursuant to this Order, shall, as soon thereafter as is practicable, advise the plaintiff of such details about the attachment as are reasonably available to it; and it is further

ORDERED that pursuant to Rule 5(b)(2)(F) of the Federal Rules of Civil Procedure each garnishee may consent, in writing, to accept service by any other means. The consent of the garnishee may be manifested in the garnishee's written rules, policies or other instructions regarding service. Service will be deemed made within the District if a natural person within the District causes the service to be transmitted to a garnishee having an office within the District; and it is further

ORDERED that if no assets are attached within 120 days of this Order, then the Order for Maritime Attachment shall expire, unless good cause for an extension is shown prior to the expiration of the 120 day period. Such application for an extension may be made by letter application; and it is further

ORDERED that upon expiration or vacatur of the Order for the process of maritime attachment by reason of the preceding paragraph, this Action will be dismissed without prejudice, without costs and without further notice to any party.

Dated: _____, New Jersey

January __, 2017

SO ORDERED:

U.S.D.J.

SCHEDULE A

Cargill, Inc.
500 Frank West Burr Boulevard
Ste. 44
Teaneck, New Jersey 07666